

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Ciriaco Viconte Alvarado Perez,

Case No. 5:21-cv-1071

Petitioner,

v.

ORDER

Kenneth Black, Warden,

Respondent.

Before me is the January 30, 2024 Report and Recommendation of Magistrate Judge Carmen E. Henderson, recommending I deny *pro se* Petitioner Ciriaco Viconte Alvarado Perez's petition for a writ of habeas corpus under 28 U.S.C. § 2254 because he filed it more than one year after his state court conviction became final and because he did not demonstrate he is entitled to equitable tolling. (Doc. No. 14).

Under the relevant statute, “[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.” 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949 (6th Cir. 1981). The deadline to file objections was February 13, 2024. The petitioner has not filed any objections and that deadline has passed.

The failure to file written objections to the Magistrate Judge's Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813, 815 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950; *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (“[O]nly those

specific objections to the magistrate's report made to the district court will be preserved for appellate review").

Following my review of the Magistrate Judge's Report and Recommendation, I accept Judge Henderson's recommendation and dismiss the petition as time barred. Further, I certify there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge